

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

GLOBAL GAMING LEGENDS, LLC,
et al.

VERSUS

LEGENDS GAMING OF LOUISIANA-1,
LLC, et al.

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CIVIL ACTION NO. 5:13cv3123

JUDGE HICKS

MAGISTRATE JUDGE HORNSBY

Scheduling Order

CASE MANAGEMENT ORDER FOR SCHEDULING TRIAL

This case is before the Court concerning the scheduling of trial and related matters. The dates set forth within this Case Management Order shall apply unless otherwise ordered by the Court. References to the entries on the docket are to the docketed entries within this civil action. Accordingly:

IT IS HEREBY ORDERED THAT:

1. **AMENDMENT OF PLEADINGS** —The amendment of pleadings shall be permitted only with leave of Court upon motion properly noticed.

2. **PENDING MATTERS** — The following matters were pending as of the date of this Court’s order, [ECF Doc.16], granting plaintiffs’ Motion to Withdraw the Reference:

- a. *Motion by Legend and First Lien Parties for Partial Summary Judgment on Global’s Breach of Contract Claim and Feasibility Defense and Motion in Limine Concerning Feasibility*, [**Doc. 57**] (filed with the bankruptcy court on October 29, 2013). No responses were filed by plaintiffs and the motion was not set for hearing. Parties propose that responses or oppositions to the motion shall be filed no later than **SEPTEMBER 12, 2014** and any replies in support of the motion shall be filed no later than **OCTOBER 3, 2014**.
- b. *Motion by Global to Reconsider Order Denying Global’s and Brantley’s Joint Motion for Protective Order* [**Doc. ____**].¹ No responses were filed by defendants and the motion was not set for hearing. Parties propose that responses or oppositions to the motion shall be filed no later than

¹ This docket entry will be added by a joint supplemental designation of the record. The docket entry number in the proceeding below—13-1007-- is/was Dkt. 89.

SEPTEMBER 12, 2014 and any replies in support of the motion shall be filed no later than **OCTOBER 3, 2014**.

- c. Plaintiffs will file a Motion to Reconsider the Order of the Bankruptcy Court Granting Defendants' Motion to Dismiss Global's Fraud Claims. The interlocutory Order granting the dismissal of Global's fraud claims under Rule 12(b)(6) [**Doc. 62**] (entered by the Bankruptcy Court on November 12, 2013). The order did not provide for the right to amend. Plaintiffs shall file the motion for reconsideration of this order and brief in support no later than **SEPTEMBER 12, 2014**, which shall include a request that if the Court does not reverse the prior interlocutory ruling of the bankruptcy court in full, Global should be given a right to amend under rule 12(b)(6) and Rule 15. Parties propose that responses or oppositions to the motion for reconsideration shall be filed no later than **OCTOBER 3, 2014** and any replies in support of the motion for reconsideration shall be filed no later than **OCTOBER 17, 2014**.

3. **DISCOVERY** — Depositions for use at trial, including expert witnesses, shall be taken and all discovery shall be completed, including the filing of any motions to compel, no later than **FEBRUARY 1, 2015**. The parties agree that the deadline to request discovery expired during the pendency of this case as an adversary proceeding in the bankruptcy court (Case. No. 13-1007 c/w 13-1008) and no further discovery requests shall be submitted by any party, except as otherwise permitted by Court order.

- a. Plaintiffs submit that there are discovery issues in connection with the responses submitted by defendants during the pendency of this case in the Bankruptcy Court, namely that defendants and intervenors have failed to produce documents responsive to plaintiffs' request. Defendants submit that there are discovery issues in connection with the responses submitted by plaintiffs during the pendency of this case in the Bankruptcy Court, namely that plaintiffs have failed to produce documents responsive to defendants' request. The parties shall meet and confer no later than **SEPTEMBER 17, 2014** in accordance with the federal rules; however, the proposed discovery deadline is submitted in anticipation of having to file motions to compel and this Court's consideration of the Pending Matters identified in paragraph 2. Motions to Compel with respect to the currently outstanding discovery responses shall be filed no later than **OCTOBER 3, 2014**.

4. **EXPERT REPORTS** — Written reports of experts, who may be witnesses, shall be obtained and exchanged by the parties as soon as possible, no later than **DECEMBER 15, 2014**. The Deadline to conduct and complete Expert Depositions is February 28, 2015.

5. **REBUTTAL EXPERT REPORTS** - Written reports of experts, who may be rebuttal witnesses, shall be obtained and exchanged by the parties, but in no event later than **JANUARY 31, 2015**.

6. PRE-TRIAL MOTIONS — All pre-trial motions, excluding dispositive motions, shall be filed no later than **MARCH 31, 2015**. Any responses or oppositions to pre-trial motions, including dispositive motions, shall be filed no later than **APRIL 20, 2015** and any replies in support of pre-trial motions, including dispositive motions, shall be filed no later than **MAY 1, 2015**. The deadline for filing dispositive motions is **FEBRUARY 15, 2015**. The parties agree that any responses or oppositions to dispositive motions shall be filed no later than **MARCH 20, 2015** and any replies in support of pre-trial motions, including dispositive motions, shall be filed no later than **APRIL 1, 2015**.

7. BENCH TRIAL — Trial will commence on/or during the week beginning **MONDAY, JUNE 15, 2015** (or as soon thereafter as the parties may be heard) before the District Judge.

8. WITNESSES AND EXHIBITS — Counsel for the parties shall file in the record and serve upon their opponents a list of all witnesses who may or will be called to testify at trial, and all exhibits that may or will be used at trial no later than **JUNE 12, 2015**. The attorneys for all parties shall meet together by agreement, instigated by counsel for plaintiffs, no later than 5 days after the exchange of witness and exhibit lists, to:

- (01) discuss the possibility of settlement;
- (02) stipulate to as many facts and issues as possible;
- (03) examine all exhibits and documents and other tangible evidence proposed to be used at the trial;
- (04) furnish opposing counsel the names and addresses of all witnesses;
- (05) prepare a pretrial stipulation in accordance with this order; and
- (06) complete all other matters which may expedite both the pretrial and trial of this case.

9. SETTLEMENTS — Counsel shall contact the assigned Magistrate Judge's office as soon as possible for the purpose of scheduling a Settlement Conference to be held on or before, **MAY 4, 2015**.

10. FINAL PRE-TRIAL CONFERENCE — A final Pre-Trial Conference shall be held on **THURSDAY, MAY 14, 2015 at 10:00 a.m. CDT**. A joint proposed Pre-Trial Order shall be submitted to chambers electronically and by-hand no later than **MONDAY, MAY 11, 2015**, which shall contain:

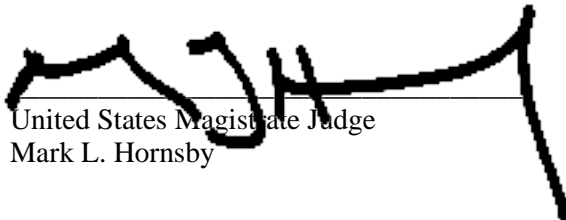
- (01) the basis of jurisdiction;
- (02) a concise statement of the nature of the action;

- (03) a brief, general statement of each party's case or contentions;
- (04) a concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;
- (05) a concise statement of those issues of law on which there is agreement;
- (06) a concise statement of those issues of fact which remain to be litigated;
- (07) a concise statement of those issues of law which remain for determination by the Court;
- (08) a list of all exhibits to be offered at trial with notation of all objections thereto (this list and the exhibit themselves shall be prepared and submitted in accordance with the Instructions for Preparing Exhibit List and Pre-Marking Exhibits attached hereto);
- (09) a list of all witnesses who may be called at the trial and those witnesses who will be called at the trial and a brief statement for each witness as to what he/she will testify to;
- (10) a list of depositions to be used at trial for purposes other than potential impeachment with identification of specific pages and lines proposed to be published to the trier of facts; and
- (11) the signatures of counsel for all parties.

10. At any stage of these proceedings any party may seek an order of this Court directing the parties to mediation before an independent third party mediator.

11. Failure to comply with the requirements of this order may result in dismissal of the action, default or other appropriate penalties.

Shreveport, Louisiana this 12 day of Sept., 2014.


United States Magistrate Judge
Mark L. Hornsby

This order was prepared and is being submitted by:

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